

BOOK REVIEW

LITERATURE AND LIBERTY: ESSAYS IN LIBERTARIAN LITERARY CRITICISM

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During the past forty years, nothing has been more popular in the American university than “interdisciplinary work.” Too often, however, the appropriate prefix for “disciplinary” has been “non” rather than “inter.” Doing something “interdisciplinary” offers an expert in field X the opportunity to lavish ignorance on fields Y and Z. Nowhere has this been more evident than in literary people’s flirtations with economics and law, two of the disciplines most frequently paired with their own.

Allen Mendenhall is both an attorney and an advanced student of literature. He also has an excellent knowledge of modern

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economics. His qualifications enable him to characterize many English departments as “comfortable podiums for experts in literature to cherry-pick from economic ideas that other disciplines have mostly discredited.” The charge is true. The ideas in question are primarily Marxist assumptions that, as Mendenhall maintains, few economists take seriously.

Libertarians should not be tempted to mutter “so what?” Libertarian ideas are part of a great tradition of learning that examines human action in all its dimensions. No salient libertarian or classical liberal thinker has ever taught that ideas of human freedom can be developed without reference to literary thought and expression. The history of human action—the history of human freedom—comes to us largely from literary sources. Yet, as Mendenhall notes, non-Marxist treatments of economics and literature have been slow to develop. His new book, *Literature and Liberty*, goes far toward supplying this lack. It shows how much work can be done, and good work too, when law and literature are studied from the perspectives offered by a real competence in economic ideas.

The book’s introduction provides a significant discussion of the function and importance of Austrian economics in the study of the humanities. Subsequent chapters sample the great variety of cultural issues that can be fruitfully explored from a libertarian and Austrian point of view. There are discussions of law in the plays of Shakespeare, of the concept of law in Geoffrey of Monmouth’s influential *History of the Kings of Britain*, of Emersonian individualism, of the literary criticism of Henry Hazlitt (best known to libertarians as a writer on economics), of imperial law in E. M. Forster’s *A Passage to India*, of politically correct treatments of Twain’s *Huckleberry Finn*, and of “transnational law” and the nation state.

Every part of the book shows the fully interdisciplinary character of Mendenhall’s understanding of his subjects and his large knowledge of the historical periods he treats. Only the rare reader will be unable to learn from Mendenhall. My favorite chapters are those on Shakespeare and Geoffrey of Monmouth, perennially interesting subjects on which Mendenhall has new and fascinating things to say. His insights on Emerson are of great value also, especially at a time when many libertarians are oblivious to that author’s value. I don’t know why they are; do they think that Emerson is old-fashioned? He isn’t, and he never will be. Mendenhall’s discussion evokes his power.

Since I am a reviewer, I must of course record some disagreements. Any forthright and stimulating book produces them. Mendenhall is as unhappy with Emerson's disciple Whitman as he is happy with Emerson. He sees Whitman as a lazy proponent of an indiscriminate life, a life without values. I think he mistakes Whitman's broad empathy for moral blindness, neglecting the poet's admiration for both spiritual and material progress, and the bold individualism embodied in his literary adventures.

I have other kinds of objections to Mendenhall's chapter on *Passage to India* (note: the title comes from a Whitman poem) and its critique of British laws in India. Mendenhall attacks Thomas Macaulay as a source of those laws. This bothers me, first, because Macaulay is a deservedly prominent figure in the classical liberal tradition that is historically of immense importance for our ideas of liberty. Second, it bothers me because in a work on literature and liberty, Macaulay should be given due credit for his literary accomplishments--accomplishments strikingly evident in his writings on India. As a writer, Macaulay is Olympus Mons, and Forster, the author of one good novel (*Passage to India*), is a tiny hillock. But the fundamental reason for my botheration is that Mendenhall sides with Forster, or the Forster he sees, in a slashing critique of "universal" law, law that is equally applicable to everyone, and in an idealization of Hindu or "Brahman jurisprudence," which "embraces arbitrariness and caprice as manifestations of a higher order" and, like India itself, "unsettles... binary oppositions."

This, to me, is not an idea of law at all. The reason law is "binary" is that cases have to be decided yes or no. The reason it should be equal and "universal," not parochial and "cultural," is that its essential function is clear and equal protection of everyone's individual rights. If British law often failed to fulfill that function, that's a good reason to criticize it. But what would be your chances of survival as a practicing libertarian under British law, as opposed to your chances under Hindu "polycentric" law, if such a thing existed, which even Mendenhall seems to doubt? To ask this question is to answer it.

Or so I think. The good thing is that Mendenhall has raised important issues, given reasons for his views, discussed them enthusiastically, and opened himself for debate. That can't hurt, and I for one would be honored to debate with so learned an

interdisciplinary. I couldn't agree more with Mendenhall's contention that literary studies that "begin to incorporate the [economic] theories of Mises or Hayek or Rothbard" can illuminate the work of "authors who cannot be made to fit into Marxist or socialist or left-wing boxes." The kind of interdisciplinary work that Mendenhall advocates is an exciting enterprise, and one hopes that he will have much more to do with it.